

Notice of Allowability

Application No.

09/944,835

Examiner

Daniel S. Metzmaier

Applicant(s)

JOVANCICEVIC ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of June 9, 2006 and the interview of June 16, 2006.
2. ☒ The allowed claim(s) is/are 1-3,6,7,10,21 and 22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/16/2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

Claims 1-3, 6-7, 10, and 21-22 are allowed.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The examiner appreciates applicants' courtesy of providing a copy of the claim list with said changes.

Authorization for this examiner's amendment was given in a telephone interview with David L. Mossman on June 16, 2006.

The application has been amended as follows:

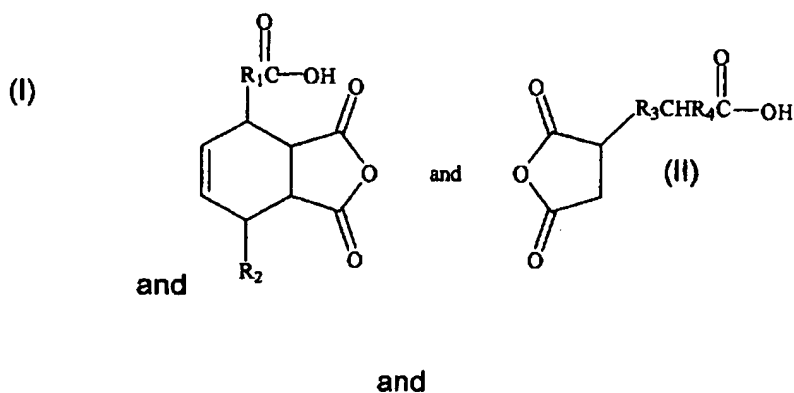
Replace all previous claim lists with the list beginning on page 3 of this examiner's amendment.

AMENDMENTS TO THE CLAIMS

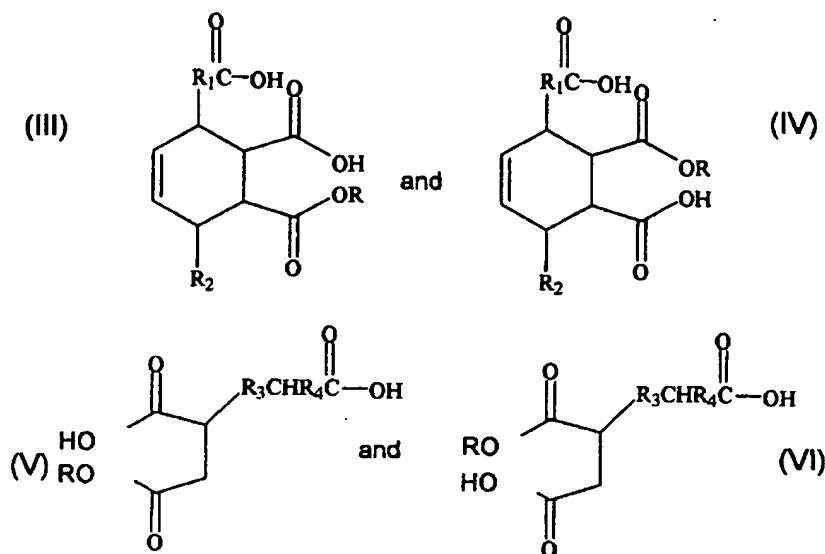
1. (currently amended): A method of reducing drag of a fluid, comprising:
 continuously flowing a fluid; and
 continuously adding to the fluid an amount of an additive thereby reducing the drag of the fluid as compared with the absence of the additive, the additive being selected from the group consisting of amine salts selected from the group consisting of imidazoline salts of; primary, secondary and tertiary amine salts of; heterocyclic amine salts of maleated fatty acids, and maleated fatty acid esters; and inorganic and organic salts of maleated fatty acids, and maleated fatty acid esters and mixtures thereof
 where the an amount of additive based on the total amount of fluid ranges from 150 to 600 ppm.

2. (original): The method of claim 1 where the fluid is selected from the group consisting of hydrocarbons, mixtures of hydrocarbons and water, and mixtures of hydrocarbons, water and gas.

3. (previously presented): The method of claim 1 where the additive is selected from the group consisting of:



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where R is an organic moiety including alkyl, aryl, aralkyl, alkaryl or amine groups;

R₁ is a generally linear organic moiety of from about 2 to about 20 carbon atoms;

R₂ is hydrogen or a generally linear organic moiety of up to about 20 carbon atoms, where the total number of carbon atoms in R₁ and R₂ are from about 2 to about 20 carbon atoms;

R₃ is an alkylene or alkenylene group of from about 2 to about 15 carbons; and

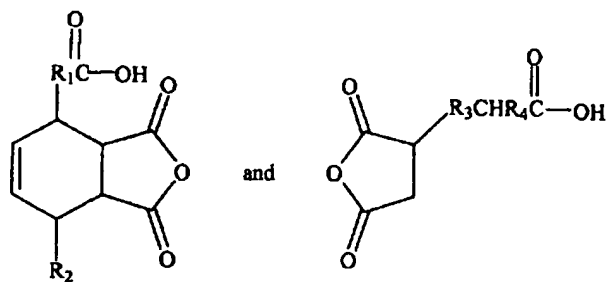
R₄ is an alkylene or alkenylene group of from about 2 to about 15 carbons; and inorganic, organic, and amine salts thereof, where the amine salts are selected from the group consisting of imidazoline salts thereof; primary, secondary and tertiary amine salts thereof; heterocyclic amine salts thereof; and mixtures thereof.

4-5. (cancelled)

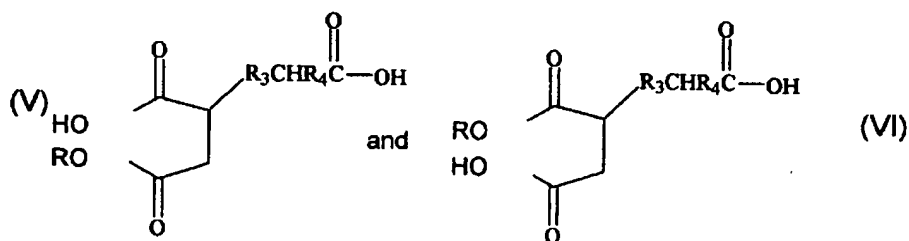
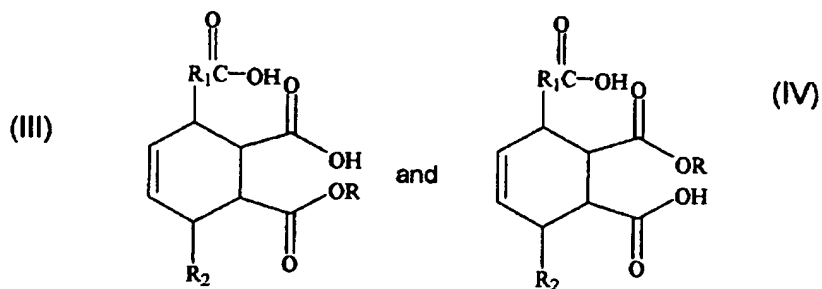
6. (original): The method of claim 1 where the additive contains more than one maleated fatty acid, ester and salt thereof.

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7. (currently amended): A method of reducing drag of a fluid, comprising:
 continuously flowing a fluid selected from the group consisting of
 hydrocarbons, mixtures of hydrocarbons and water, and mixtures of
 hydrocarbons, water and gas; and
 continuously adding to the fluid an amount of an additive thereby reducing the
 drag of the fluid as compared with the absence of the additive, where
 the additive is selected from the group consisting of:



and



where R is an organic moiety including alkyl, aryl, aralkyl, alkaryl or amine groups;
 R₁ is a generally linear organic moiety of from about 2 to about 20 carbon
 atoms;

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R₂ is hydrogen or a generally linear organic moiety of up to about 20 carbon atoms, where the total number of carbon atoms in R₁ and R₂ are from about 2 to about 20 carbon atoms;

R₃ is an alkylene or alkenylene group of from about 2 to about 15 carbons;
and

R₄ is an alkylene or alkenylene group of from about 2 to about 15 carbons;
and inorganic, organic, and amine salts thereof, where the amine salts are selected from the group consisting of imidazoline salts thereof, primary, secondary and tertiary amine salts thereof, heterocyclic amine salts thereof, and mixtures thereof

where the an amount of additive based on the total amount of fluid ranges from 150 to 600 ppm.

8-9. (cancelled)

10. (original): The method of claim 7 where the additive contains more than one maleated fatty acid, ester and salt thereof.

11-20. (cancelled)

21. (previously presented): The method of claim 1 where the amount of additive ranges from about 200 to about 500 ppm.

22. (previously presented): The method of claim 7 where the amount of additive ranges from about 200 to about 500 ppm.

23-24. (cancelled)

Reasons for allowance

2. The following is an examiner's statement of reasons for allowance: applicants' response and this examiner's amendment obviate or moot the remaining issues. The concentrations claimed are based on the "total fluid system". See paragraph [0022] and examples.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Daniel S. Metzmaier
Primary Examiner
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DSM